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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,448	10/31/2001	Robert B. Staszewski	TI-33170	3923
23494	7590	12/01/2005	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			FLANAGAN, KRISTA M	
			ART UNIT	PAPER NUMBER
			2817	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/001,448	STASZEWSKI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Krista M. Flanagan	2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 September 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4, 16-21 and 32-36 is/are rejected.
- 7) Claim(s) 5-15 and 22-31 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 September 2005 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 09/19/2005. These drawings are accepted.

### ***Specification***

2. In view of the amendment filed on 09/02/2005, the Examiner withdraws all objections to the specification from the previous Office Action.

### ***Claim Objections***

3. In view of the amendment filed on 09/02/2005, the Examiner withdraws all objections to the specification from the previous Office Action.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 16-21 and 32-36 are rejected under 35 U.S.C. 102(b) as being anticipated by European patent Application 0153107 to Hogan.

6. Regarding claims 1, 18 and 34, Hogan discloses a clock recovery apparatus, 10, comprising a receiving circuitry, 14 and 16, that receives data and compares the phase with an internally generated clock signal, 18, phase tracking circuitry, 24, responsive to the phase comparison and output circuitry, 30, responsive to the clock generator and the receiving circuitry for generating a digital data stream where the digital data stream is generated at an edge of the reference clock (See page 6, lines 10-15) on selected clock cycles (See page 2, line 25 – page 3, line 5) where each clock cycle could be selected.

7. Regarding claims 2 and 19, Hogan discloses a clock recovery apparatus, 10, for generating a digital data stream where the digital data stream is generated at an edge of the reference clock (See page 6, lines 10-15).

8. Regarding claims 3 and 20, Hogan discloses a clock recovery apparatus, 10, for generating a digital data stream where the digital data stream is generated at an edge of the reference clock (See page 6, lines 10-15) on selected clock cycles (See page 2, line 25 – page 3, line 5).

9. Regarding claims 4, 21, 35 and 36, Hogan discloses a clock recovery apparatus, 10, for generating a digital data stream where the digital data stream is generated at an edge of the reference clock (See page 6, lines 10-15) on selected clock cycles (See page 2, line 25 – page 3, line 5) where each clock cycle could be selected.

10. Regarding claims 16, 17, 32 and 33, Hogan discloses a clock recovery apparatus, 10, for generating a digital data stream where the digital data stream is generated at an transition of the reference clock, where the transitions are maintained at the center of each bit cell (See page 6, lines 10-15).

***Allowable Subject Matter***

11. Claims 5-15 and 22-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

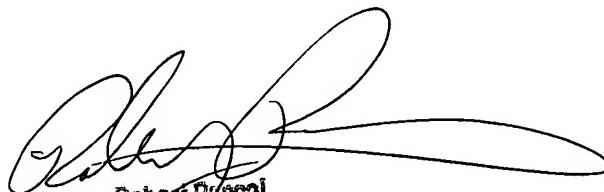
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista M. Flanagan whose telephone number is (571) 272-2203. The examiner can normally be reached on Monday - Friday, 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Pascal can be reached on (571) 272-1769. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

K. Flanagan  
20051121



Robert Pascal  
Supervisory Patent Examiner  
Technology Center 2800